

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:

**Michael Alan Hale
Larissa Kaye Hale**

Debtors.

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**Case No. 11-13374-NLJ
Chapter 13**

**OBJECTION TO DEBTORS' CLAIMED EXEMPTION
COMBINED WITH BRIEF IN SUPPORT
AND NOTICE OF HEARING**

COMES NOW John Hardeman, Chapter 13 Trustee ("Trustee"), and pursuant to Rule 4003 of the Federal Rules of Bankruptcy Procedure and Title 31 of the Oklahoma Statutes, objects to the exemption in certain real property. In support of his Objection, the Trustee would show the Court the following:

1. Section 1(A)(1) of Title 31 of the Oklahoma Statutes provides a debtor may claim an exemption in a home, provided the home is the principal residence of the debtor. Additionally, a person cannot have two homesteads at the same time, nor can a married couple stack homestead exemptions. See *In re Arnold*, 2003 OK 63, 73 P.3d 861. Section Two of Title 31 further limits the homestead exemption, providing the homestead exemption in real property within any city or town is limited to one acre.

2. The debtors claim an exemption in the real property located at 833 N. Hiwassee Road which is within the city limits of the City of Choctaw. The property consists of more than one acre. It is unclear based on the Schedule C filed by the debtors whether they intend to claim more than one acre as exempt. To the extent the debtors seek to either stack the homestead exemption, or to otherwise claim more than one acre as exempt, the Trustee objects to the claimed exemption.

WHEREFORE, John Hardeman, Chapter 13 Trustee, objects to the claimed homestead exemption in property located at 833 N. Hiwassee Road in Choctaw, and requests the Court limit the claim of exemption to one acre.

Respectfully Submitted,

/s/ Linda Ruschenberg
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Attorney for Chapter 13 Trustee

NOTICE OF HEARING

The hearing on this Debtors' Claimed Exemption and the Trustee's Objection to Claimed Exemption will be held on the 27th day of September, 2011, at 8:30 a.m. before the Honorable Niles Jackson.

CERTIFICATE OF MAILING

This is to certify that on the 18th day of August, 2011, a true and correct copy of the foregoing document was mailed by first-class mail, postage prepaid, to all parties and attorneys of record at the addresses set forth on the attached list.

/s/ Linda Ruschenberg